

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 30

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte FRANCISCUS L. A. J. KAMPERMAN  
and FRANK BOSVELD

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Appeal No. 2002-2289  
Application No. 08/851,304

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ON BRIEF

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Before RUGGIERO, DIXON, and GROSS, Administrative Patent Judges.  
RUGGIERO, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal from the final rejection of claims 2-7, which are all of the claims pending in the present application. Claim 1 has been canceled. At page 2 of the Answer, the Examiner indicates that claim 3 is allowed. Accordingly, only the Examiner's rejection of claims 2 and 4-7 is before us on appeal.

The disclosed invention relates to a security device which manages access to information and which includes a pointer which indicates a location from which additional data related to the information may be obtained. As indicated at page 2 of Appellants' specification, the additional data may be a description of the information which is offered or a software program which provides an interface between the security device and a device to which it is coupled.

Representative claim 2 is reproduced as follows:

2. A security device (SD) for managing access to information (INF), the security device (SD) providing a pointer (PO) indicating a location (LO) from which additional data (ADA) may be obtained;

wherein the pointer (PO) comprises at least one element (LB) which identifies a data stream (DS1) of which the additional data (ADA) forms part.

The Examiner relies on the following prior art:

Diehl et al. (Diehl)	5,461,675	Oct. 24, 1995
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Claims 2 and 4-7, all of the appealed claims before us, stand finally rejected under 35 U.S.C. § 102(a) as being anticipated by Diehl.

Rather than repeat the arguments of Appellants or the Examiner, we make reference to the Brief (Paper No. 27) and the Answer (Paper No. 28) for the respective details thereof.

OPINION

We have carefully considered the subject matter on appeal, the rejection advanced by the Examiner and the evidence of anticipation relied upon by the Examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellants' arguments set forth in the Brief along with the Examiner's rationale in support of the rejection and arguments in rebuttal set forth in the Examiner's Answer.

It is our view, after consideration of the record before us, that the Diehl reference fully meets the invention as set forth in claims 2 and 4-7. Accordingly, we affirm.

Appellants indicate (Brief, page 3) that the claims on appeal stand or fall together as a group. Consistent with this indication, Appellants' arguments are directed solely to features which are set forth in independent claim 2. Accordingly, we will select independent claim 2 as the representative claim for all the claims on appeal, and claims 4-7 will stand or fall with claim 2. Note In re King, 801 F.2d 1324, 1325, 231 USPQ 136, 137 (Fed. Cir. 1986); In re Sernaker, 702 F.2d 989, 991, 217 USPQ 1, 3 (Fed. Cir. 1983).

We note that anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore and Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

At page 3 of the Answer, the Examiner indicates how the various limitations in representative claim 2 are read on the disclosure of Diehl. In particular, the Examiner points to Diehl's illustrations in Figure 1 along with the accompanying description beginning at column 2, line 47 of Diehl.

In our view, the Examiner's analysis is sufficiently reasonable that we find that the Examiner has at least satisfied the burden of presenting a prima facie case of anticipation. The burden is, therefore, upon Appellants to come forward with evidence and/or arguments which persuasively rebut the Examiner's prima facie case. Only those arguments actually made by Appellants have been considered in this decision. Arguments which Appellants could

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have made but chose not to make in the Brief have not been considered [see 37 CFR § 1.192(a)].

Appellants' arguments in response assert that the Examiner has not shown how each of the claimed features is present in the disclosure of Diehl so as to establish a case of anticipation. In particular, Appellants contend (Brief, page 4) that the stored information (ECM, EMM) in the security card 11 in Diehl, in contrast to the present invention, provides access to information by performing descrambling.

After careful review of the Diehl reference in light of the arguments of record, however, we are in general agreement with the Examiner's position as stated in the Answer. Initially, we find that, although Diehl performs descrambling to access an incoming data stream, which the Examiner likens to the claimed "additional data," there is nothing in the language of representative claim 1 which precludes a descrambling operation. Further, we agree with the Examiner that the above referenced incoming data stream, which is pointed to by the stored ECM and EMM data elements and upon which descrambling is performed, is as much a "location" as that described at page 4, lines 9-19 of Appellants' specification in which an incoming data stream (DS1) is described as a "location" of additional data identified by the pointer (PO).

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We also find no error in the differing interpretation of the disclosure of Diehl as applied to the language of appealed claim 2 offered by the Examiner at page 5 of the Answer. In our view, as asserted by the Examiner, the processor 12 in Diehl can reasonably be interpreted as corresponding to the claimed "pointer," the EMM packet and EMM data interpreted as corresponding to the claimed "location" and "additional data," respectively, with Diehl's processor 12 containing software codes which identify a particular incoming data stream 13 as containing the "additional" (EMM) data. We note that there are no arguments on the record before us forthcoming from Appellants which would persuade us of any error in the Examiner's line of reasoning with respect to this claim interpretation.

In view of the above discussion, since the Examiner's prima facie case of anticipation has not been overcome by any convincing arguments from Appellants, the Examiner's 35 U.S.C. § 102(a) rejection of representative claim 2, as well as claims 4-7 which fall with claim 2, is sustained. Therefore, the decision of the Examiner rejecting claims 2 and 4-7 is affirmed.

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No time period for `taking any subsequent action in connection  
with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

JOSEPH F. RUGGIERO	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	BOARD OF PATENT
JOSEPH L. DIXON	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
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	)	
ANITA PELLMAN GROSS	)	
Administrative Patent Judge	)	

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